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Paper No. 12

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DEC 17 2004

In re Application of: Tatebayashi et al.)
Application No. 09/638,616)
Attorney Docket No. 62478-1800)
Filed: August 15, 2000)
For: ENCRYPTION METHOD,)
ENCRYPTION APPARATUS,)
DECRYPTION METHOD, AND)
DECRYPTION APPARATUS)

Technology Center 2100

**DECISION ON PETITION TO MAKE
SPECIAL UNDER 37 CFR §1.102(d) –
ACCELERATED EXAMINATION**

This is a decision on the supplemental petition to make special filed on September 26, 2003 under 37 CFR §1.102(d), in accordance with MPEP 708.02(VIII), requesting the Accelerated Examination of the above-identified application. The Office regrets the delay in addressing the request for reconsideration.

The renewed request supplements the original petition with citations from a European Search Report along with copies of the references cited thereon; a statement that applicants believe the claims are directed to a single invention or will elect without traverse if an election is requested and a discussion of how the claimed subject matter is patentable over the references.

The petition is **GRANTED**. The application has been granted special status.

The practitioner is advised the grant of special status for accelerated examination involves the following procedures as outlined in MPEP § 708.02 (VIII):

(A) The new application, having been granted special status as a result of compliance with the requirements set out above will be taken up by the examiner before all other categories of applications except those clearly in condition for allowance and those with set time limits, such as examiner's answers, etc., and will be given a complete first action which will include all essential matters of merit as to all claims. The examiner's search will be restricted to the subject matter encompassed by the claims. A first action rejection will set a 3-month shortened period for reply.

(B) During the 3-month period for reply, applicant is encouraged to arrange for an interview with the examiner in order to resolve, with finality, as many issues as possible. In order to afford the examiner time for reflective consideration before the interview, applicant or his or her representative should cause to be placed in the hands of the examiner at least one working day prior to the interview, a copy (clearly denoted as such) of the amendment that he or she proposes to file in response to the examiner's action. Such a paper will not become a part of the file, but will form a basis for discussion at the interview.

(C) Subsequent to the interview, or responsive to the examiner's first action if no interview was had, applicant will file the "record" reply. The reply at this stage, to be proper, must be restricted to the rejections, objections, and requirements made. Any amendment which would require broadening the search field will be treated as an improper reply.

(D) The examiner will, within 1 month from the date of receipt of applicant's formal reply, take up the application for final disposition. This disposition will constitute either a final action which terminates with the setting of a 3-month period for reply, or a notice of allowance. The examiner's reply to any amendment submitted after final rejection should be prompt and by way of form PTOL-303, by passing the application to issue, or by an examiner's answer should applicant choose to file an appeal brief at this time. The use of these forms is not intended to open the door to further prosecution. Of course, where relatively minor issues or deficiencies might be easily resolved, the examiner may use the telephone to inform the applicant of such.

(E) A personal interview after a final Office action will not be permitted unless requested by the examiner. However, telephonic interviews will be permitted where appropriate for the purpose of correcting any minor outstanding matters.

After allowance, these applications are given top priority for printing. See MPEP §1309.

[Emphasis added]

Applicants are advised that once a request has been granted, prosecution will proceed according to the procedures stated above. There is no provision for withdrawal from special status. It is noted that an Office action was mailed on July 12, 2004. Applicants attention is called to section (C) since any reply to the non-final action which is filed subsequent to the mail date of this decision must be a "record" reply and must avoid amendments which would require broadening the search filed or it will be treated as being improper if no interview was held.

The application is being forwarded to the examiner to await the filing of applicants' amendment. Thereafter, prosecution of the application will proceed according to the procedure set forth in MPEP 708.02(VIII).



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